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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,730	05/17/2000	CHARLES ERIC HUNTER	05001.1020	9231

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EXAMINER	
NGUYEN, CUONG H	

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/465,730	HUNTER ET AL.	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-19,22,23 and 73-99* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-19,22,23 and 73-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *85-99* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is the answer to the amendment received on 9/29/2005; because previous election was made final for an examination on the merit, new claimed invention (claims 85-99 are directed to a system) would not be considered, this paper has been placed of records in the file.

Response to Amendment

2. The reply filed on 9/29/2005 was not fully responsive to the prior Office Action (mailed on 2/28/2005) because of the following omission or matter: the response is not a reasonable answer to the cited rationales and cited references against pending claims (pointing out why/where/how in the cited references examiner's rationales are incorrect); instead, it broadly comprises about general US Patent laws, new claims, and requirements. See 37 CFR 1.111).

3.

A. Independent claim 74 is reasonably interpreted as a method to provide electronic signals to viewers (this includes claimed language of "traffic areas"):

> providing an opportunity to order advertising content at selected locations;
> receiving from customers what would be shown;
> transmitting customer's content/material; and
> display those contents as order.

B. The examiner respectfully submits that what claim is very broad – this claim does not contain any inventive concept; these claimed limitation were already provided in previous rationales and references for rejections.

- electronically displaying content comprising a product and product information in a plurality of locations (e.g., well-known practices with TV, Internet, electronic

advertisements .etc. on plasma or cathode ray tube screens), the product information including a product ordering number;

- receiving customer identification information indicating that a customer wishes to order a product (this claimed practice have been done by mail, chatting/talk, phone, or manual means);

- receiving the product ordering number from the customer (this claimed practice have been done by mail, chatting/talk, phone, or manual means);

- matching the product ordering number to a corresponding merchant (this claimed practice have been done manually/electronically); and

- communicating the customer and product ordering number to the merchant (this claimed practice have been done this claimed step manually/electronically).

C. New (additional) system claims are not accepted for an examination on the merit since that examination already given. The examiner respectfully submits that there is no argument in that response toward cited references why previous Office Action having incorrect rationales. Therefore, the examiner respectfully maintains previous rejections.

D. Claims 75-84 contain well-known limitations in real-life as above practices (note that for claim 79's rejection rationales: a billboard has used many LEDs; for claim 81: a CRT display has been very well-known with TVs; for claim 83, a claimed method using all well-known communication means – e.g., a high speed cable, a satellite link, a dedicated telephony connection, a high-speed communications line, a cellular or PCS data transmission device, the Internet, a radio or radio pulse transmission device, a high speed optical fiber, and physical delivery of a medium storing said content – can not be an inventive concept.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

> **A person shall be entitled to a patent unless –**
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

4. Claims 74, and 14-16, are rejected under 35 U.S.C. § 102(e) as being anticipate by Walker et al. (US Pat. 6,754,636).

A. As to claim 74: Walker et al. teach a method for merchandising the products of a merchant to customers, comprising:

(a) electronically displaying content comprising a product and product information in a plurality of locations, the product information including a unique identification/ (product ordering number), (i.e., via the Internet, see Walker, Figs.1B and 2B);

(b) & (c) receiving customer identification information, and ordering number indicating that a customer wishes to order a product – i.e., sending a customer's name, shipping address, and charge numbers);

(d) matching the product ordering number to a corresponding merchant (i.e., searching through a seller database or a retailer database via the Internet to match an input query with a unique product's identification, see Walker, Figs.1B and 2B); and

(e) communicating/transmitting the customer and a unique identification (product ordering number) to the merchant (i.e., online/Internet communication between a customer and a merchant - (i.e., performing communications (including confirming order) via the Internet/emails, see Walker, the abstract).

B. Walker et al. also teach that the content is displayed for a period (see Walker et al., col. 9 lines 8-13).

C. Walker et al. also teach a step of transmitting/communicating contents/options via Internet to buyers (see Walker et al., Fig.1B).

D. Walker et al. teach a step of selecting Internet to transmit contents to SELECTED locations (see Walker et al., Fig.1B).

E. As to claim 14: Walker et al. also teach a step of displaying received data in a common format (i.e., convert data to a predetermined format before displaying them -see Walker et al., Fig.1B ref.210, Fig.4 ref.244).

F. As to claims 15-16: Walker et al. inherently teach a step of displaying received data after reviewing them (i.e., for verifying inputs accuracy - see Walker et al., Fig.9B).

G. Walker et al. also teach steps of:

- verifying a customer's credit card at check-out (see Walker et al., Fig.22).
- checking whether said credit card's balance is "good" (in "good" standings).

H. Walker et al. also disclose that a product can be a service (e.g., a contract for cell-phone plan, an insurance plan for a new car; see Walker et al., col. 2 lines 24-26).

I. Walker et al. also disclose about shipping a product from a merchant to a customer; see Walker et al., col. 11 lines 41-46).

J. Walker et al. also teach a step of:

- communicating shipping information to and from a customer after a merchant received an order; and using a telephone's keypad a means of communication (see Walker et al., col. 7 lines 1-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

5. Claims 17, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Pat. 6,754,636).

The rationales and reference for above rejection of claim 72 are incorporated.

A. As for dependent claims 17, and 73: Walker et al. do not expressly disclose about capturing still images and time data of displayed content.

However, the examiner respectfully submits that in order to displaying content effortlessly, content's still image obviously is "captured", and time of receiving data is "logged" for receiving records; because those data would be used later for verifications.

B. Walker et al. do not expressly disclose about "the product ordering number indicates both a product and the merchant offering the product".

However, the examiner respectfully submits that it is old and well-known to give a unique number for a product that have above conditions (e.g., HV-250R is the product ordering number for a unique Hitachi Vibrator device using in therapy business).

C. Walker et al. also disclose that telephone has been used to receive orders from customer. Walker et al. do not expressly disclose about "the transmitting of the product

ordering number comprises speaking ... and recognizing the spoken product ordering number".

However, the examiner respectfully submits that it is old and well-known to use voice-recognition technology in telephone communications for verifications and orderings.

D. Walker et al. also suggest a step of prompting a customer for inputting a product number after reviewing/receiving them (see Walker et al., Fig.16 wherein a consumer inherently selects/inputs a "product identifier" number).

E. Walker et al. do not expressly disclose that "a product is product literature".

However, the examiner respectfully submits that it is old and well-known to use a product literature as a product because electronic manuals for specific electronic devices have been ordered as regular transactions.

F. Walker et al. also suggest about creating a database including a preference – e.g., shipping a product via UPS or FedEx (see Walker et al., col. 21 lines 35-54), and communicating that option for a customer's selection.

The examiner respectfully submits that it is old and well-known for one of ordinary skill in the art at the time of invention to specify whether that preference is about "sending product literature" or about "sending a big screen TV" since they are manufacturing goods.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Walker et al. teaching as cited above to improve Internet communications by further definitions of "a product" and applying available telephone technology in purchasing transactions.

6. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Pat. 6,754,636), and in view of Reeder (US Pat. 5,852,812).

The rationales and reference for above rejection of claim 18 are incorporated.

A As for dependent claim 18: Walker et al. do not expressly disclose about detecting customer traffics.

However, it is old and well-known that counting visiting times (with a counter) is similar of "detecting customer traffics", and websites have been using that as a level to measure a website popularity (see Reeder, col. 5 lines 33-42).

B. As for dependent claim 19: Walker et al. do not expressly disclose about generating a market analysis report based on detecting traffics.

However, Reed suggests that idea (see Reed, col. 6 lines 58-65).

It would have been obvious to one of ordinary skill in the art at the time of invention from combining Walker et al. and Reed to accurately using analyzed traffics into Internet transactions presented by Walker et al. for the benefit of building profile's data of customers and merchants which is useful for billings.

C. Walker et al., and Reed do not disclose about billing a merchant for merchandising/ advertising a product.

However, the examiner respectfully submits that billing a party for a service is an old and well-known transaction. It would has been obvious with one of ordinary in the art at the time of invention for implementing Walker et al., and Reed to bill and send that bill to a merchant for a promoting/analyzing service that improves traffics/business of that merchant.

7.

The rationales and reference for a rejection of claim 74 are incorporated.

Walker et al. do not disclose about detecting defective pixels in a display.

However, Loban et al. (US Pat. 5,612,741) suggest that there is a periodically maintenance of video billboards (see Loban et al., col. 1 lines 9-21).

It would has been obvious with one of ordinary in the art at the time of invention to combine ideas suggested by Walker et al. and Loban et al. to "physically" maintain an electronic display for effective uses information that are displayed.

8. Walker et al., and Loban et al. (US Pat. 5,612,741) do not disclose about automatically calibrating pixels in a display.

However, Margulis et al. suggest self-calibration of video pixels of video displays (see Margulis et al. (US Pat. 6,157,396), col. 14 lines 6-16).

It would has been obvious with one of ordinary in the art at the time of invention to combine ideas suggested by Walker et al., Loban et al., and Margulis et al. to maintain an electronic display in good conditions by automatically calibrations for effective uses information that are displayed.

9. The rationales and reference for above rejection of claim 74 are incorporated.

Walker et al. (US Pat. 6,754,636) do not disclose about transmitting global position data of a customer to a merchant.

However, Laumeyer et al. (US Pat. 6,266,442) suggest of using a GPS to obtain position data of an object (see Laumeyer et al., the abstract, and col. 14 lines 13-15).

It would have been obvious to one of ordinary skill in the art at the time of invention from using a GPS to obtain a buyer's location as taught by Laumeyer et al. in Walker et al.'s method of merchandising a product to geographically identify location of

a buyer, and performing statistic because these information are necessary for improving a merchant's business.

10. The response is unpersuasive; accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 9:00 am - 5:30 pm.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

CUONG H. NGUYEN
Primary Examiner
Art Unit 3661